

Abandoned Tank Community Assistance Program

A T C A P

**Helping Indiana's Cities and Towns
Reduce Land Contamination**
by funding and managing removing or closing
abandoned underground storage tanks.

Application Packet

September 1999



Indiana Department of Environmental Management
Office of Land Quality
(as of September 19, 1999)

www.state.in.us/idem

Abandoned Tank Community Assistance Program

Introduction

The Indiana Department of Environmental Management (IDEM) is pleased to announce a program to provide free assistance to cities and towns. The Abandoned Tank Community Assistance Program (ATCAP) will assist local jurisdictions by removing and/or closing underground storage tanks (USTs) abandoned by former owners. By removing or closing the USTs, the source of contamination is removed. The community can then proceed with further cleanup (if necessary) and redevelopment.

ATCAP is important to communities for a variety of reasons:

- * It reduces potential exposure to hazardous chemicals;
- * When properties are redeveloped, underutilized properties can be placed back on local tax roles;
- * It removes blight and eyesores from the community;
- * It is free assistance, NOT a loan, and;
- * The closure process requires little effort from communities. IDEM will oversee contractors who perform the removals or closures.

All active tanks were required by the federal government to have leak detection devices installed on the tanks by late 1993, or the tanks were to be properly closed. As a result, many tanks were abandoned by their owners due to the expense of the required upgrades and closure requirements. Local jurisdictions acquire properties with tanks through tax default, liens or other actions. When underground storage tanks are located on the acquired properties, the tanks become the responsibility of the local jurisdiction, possibly including environmental liability.

Underground Storage Tank Definition

USTs are tanks used to hold an accumulation of hazardous substances, with 10% or more of its volume beneath the ground (including connected piping). For example, USTs store: gasoline; oil or diesel fuel; industrial solvents, pesticides, herbicides, or fumigants.

To assist cities and towns to comply, approximately \$250,000 from the state Petroleum Trust Fund are available for removing and closing USTs during each of the next two fiscal years (1999-2000 and 2000-2001). The Petroleum Trust Fund was established in part to assist the state with expenses for cleanups of tanks holding petroleum products, including orphaned or abandoned tanks. All communities need to do is apply for this assistance. Funds will be distributed based on need and potential for redevelopment.

Who May Apply for ATCAP?

Local jurisdictions may apply, including: county governments; cities; towns; townships; and their member groups (such as: economic development committees; school districts;

fire departments; etc.) Some of these entities may need to co-apply with the local community depending on site ownership.

When Is an UST Considered Abandoned?

To be considered abandoned for this program, tanks must meet all of the following requirements:

- * Tanks were not installed or used by the community.
- * The tanks' owners must have stopped using the tanks and abandoned the property prior to January 1, 1994.
- * The tanks must meet the definition requirements of a regulated tank even if they were abandoned before the registration requirements were in place.

Please see **Appendix 1** for a complete definition of regulated tanks.

How Will IDEM Help?

This program helps communities by relieving them of many activities that are the responsibility of the community. IDEM will find contractors to do the work, fund the removals, and will test for contamination.

Highlights of how IDEM will assist communities include:

- * Funding the removals or closures.
- * Property and tank ownership records will be researched and reviewed for determination of potential responsible parties for long term remediation needs.
- * Hiring and overseeing contractors performing removals or closures.
- * State contractors will perform soil and groundwater sampling, as required by state UST closure guidance.
- * Disposing of the tank and the over-excavated soils.
- * Technical advice will be available to local jurisdictions to assist with cleanup plans or disposing of contaminated soils not covered by the source removal.
- * The state contractors will provide all the paperwork and reports necessary to complete the tank closure for state records.

The removal and/or closure process addresses the tanks and the associated lines. Also provided will be limited over-excavation of soil in the tank pit area to remove soils that may be contaminated. These actions are not considered a complete site cleanup. The actions remove the source of contamination, which is called a source removal action. Only in cases where removal is not possible, due to situations such as nearby building foundations or tanks under significant roadways, will in-place closures occur.

If significant contamination is found after the removal, the site will be referred to an appropriate state program for further oversight and cleanup. Tanks are referred to the Leaking Underground Storage Tank Section or the State Cleanup Program. In

addition, the site may be eligible for loans to cover cleanup costs through the Brownfield Grant and Loan program. Communities may choose to undertake additional cleanup activities themselves.

Community Contribution

Local communities are required to perform in-kind environmental projects to reciprocate for IDEM's assistance. These projects are to be proposed by the local community as part of their ATCAP application. Activities that could qualify for consideration include: development of community recycling programs; greenway development; education projects for the community and/or public schools; river/stream and bank cleanups; park development, etc.

City or town financed redevelopment of the site where the tanks are to be removed can be counted as the Community Contribution. The community's financial ability will be taken into consideration in evaluating the reciprocal project.

How Will IDEM Select Cities and Towns to Assist?

Sites will be prioritized based on need, potential for redevelopment, and population. Need will be assessed using Net Assessed Value Per Capita and Temporary Assistance for Needy Families (TANF) poverty rate indicators.

Communities are encouraged to explore redevelopment options before applying for ATCAP. Primary preference will be given to towns that are redeveloping the site where the tanks were removed and the redeveloped land will benefit the community. Some examples would be projects for: local fire departments; schools; community centers; parking for city vehicles or downtown shoppers; park and greenway development, etc.

Secondary preference will be given to sites where a private buyer is committed to purchasing the property for private development. Sites without predetermined redevelopment goals will be ranked using population and need indicators only.

Of the available funding, 70% will assist communities less than 35,000 in population. The remaining funds will assist communities with populations exceeding 35,000. The intent is to spread the monies across the state and to account for community funding ability. Multiple projects within a community will be eligible, but should be prioritized by what is in the best interest of the community.

Additional Resources

If contamination is found after a tank removal or closure, IDEM will help communities clean it up. ATCAP staff can explain IDEM's various cleanup programs and recommend the appropriate one for the particular site. In some cases, Excess Liability Funds (ELF) may be available. In addition, House Enrolled Act 1909 allows forgivable

loans (20%) for brownfield sites that are abandoned gas station sites or have abandoned underground storage tanks. Thus, a community could apply to the Indiana Development Finance Authority Brownfield Grant and Loan Program for additional cleanup monies.

Application Process

- * No application fee.
- * Two page application required.
- * Accepting applications between: September 1 - October 15 and March 1 - April 15.
- * Decisions will be announced within 30 days of the application closing date.

For questions about the ATCAP program or about the application, please contact Anne Black at (317) 308-3090 or (800) 451-6027, extension 308-3090. Effective September 19, 1999, call (317) 232-4524, or (800) 451-6027, extension 2-4524. Email can be sent to ablack@dem.state.in.us.

Appendix 1

Definition of “Regulated Tanks”

Which tanks are included?

Underground storage tank is defined as any one or combination of tanks that:

1. Is used to contain an accumulation of “regulated substances,” and;
2. Whose volume (including connected underground piping) is 10% or more beneath the ground.

Some examples are underground tanks storing: gasoline; used oil or diesel fuel, and; industrial solvents, pesticides, herbicides or fumigants.

Which tanks are excluded?

Tanks excluded include:

1. Farm or residential tanks of 1,100 gallons or less capacity used for storing motor fuel for noncommercial purposes;
2. Tanks used for storing heating oil for consumptive use on the premises where stored;
3. Septic tanks;
4. Pipeline facilities regulated under the Natural Gas Pipeline Safety Act of 1968, or the Hazardous Liquid Pipeline Safety Act of 1979, or which is an intrastate pipeline facility regulated under state laws;
5. Surface impoundments, pits, ponds, or lagoons;
6. Storm water or waste water collection systems;
7. Flow-through process tanks;
8. Liquid traps or associated gathering lines directly related to oil or gas production and gathering operations;
9. Storage tanks situated in an underground area (such as a basement, cellar, mineworking, drift, shaft, or tunnel) if the storage tank is situated upon or above the surface of the floor, and;
10. Emergency spill and overflow tanks.

Which Substances are Covered?

The requirements apply to underground storage tanks that contain regulated substances. This includes any substance defined as hazardous in section 101(14) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), with the exception of those substances regulated as hazardous waste under Subtitle C of the Resource Conservation and Recovery Act (RCRA). It also includes petroleum, e.g. crude oil or any fraction thereof which is liquid at standard conditions of temperature and pressure (60 degrees Fahrenheit and 14.7 pounds per square inch absolute).



Abandoned Tank Community Assistance Program

State Form 49493 (8-99)

Indiana Department of Environmental Management
Office of Land Quality



APPLICATION

Community:	Co-Applicant:
Contact Person:	Phone #: FAX #:
Address:	County:
Population of community where site located:	
Location of property for which assistance is sought:	
Legal Description:	
Number of tanks on the property:	
Previous property owner(s) (list name(s) and current address if known):	
Please identify the owner who installed the tanks:	
Community obtained ownership of this property through: <input type="checkbox"/> Tax Delinquency <input type="checkbox"/> Lien <input type="checkbox"/> Condemnation <input type="checkbox"/> Other (Please explain)	
Current status of property Is the property abandoned? <input type="checkbox"/> Yes <input type="checkbox"/> No How many years has it been abandoned? If in use, for what purpose? (Please explain)	
What were the tanks used for? (i.e. gas station):	
List any known spills, releases, fires and/or other problems at this site:	

Have any environmental evaluations been conducted on this property? If so, please attach the appropriate data.

Discuss the future intended use of this property, potential for sale and/or redevelopment:

Community factors (What impact is there currently on nearby residences or businesses? If this site is selected for assistance, what will the future impacts be?):

Proposed community reciprocal project:

The applicant does hereby attest and certify that the information included in this assistance application is, to the best of their knowledge and belief, complete and accurate.

By: _____ Date: _____

Signature & Title of person authorized to bind this political subdivision

For IDEM use only:

Net Assessed Value per Capita _____

TANF Poverty Rate Indicator _____